



TRINITY CITY PLANNING & ZONING BOARD MEETING

**Tuesday, April 25 2006
7:00 pm**

The Trinity Planning Board held their April 25, 2006 Regular Planning and Zoning Board Meeting at Trinity Memorial United Methodist Church, 7140 NC Highway 62, Trinity. A quorum was present.

PLANNING BOARD MEMBERS PRESENT: Chairman, Robbie Sikes; Planning Members, David Albertson, J. R. Ewings, Linda Gant, Vernel Gibson, Buddy Maness, Scott Norman.

PLANNING BOARD MEMBERS ABSENT: Melvin Patterson

OTHERS PRESENT: Mayor, Fran Andrews; City Manager, Ann Bailie, Planning/Zoning Administrator and Code Enforcement Officer, Adam Stumb; Council Liaison, Karen Bridges; City Clerk/FO Debbie Hinson.

ITEM 1. Call to Order

Chairman Sikes called the April 25, 2006 Meeting to order at 7:00 p.m. and welcomed those in attendance.

ITEM 2. Pledge of Allegiance

Chairman Sikes led the Pledge of Allegiance.

ITEM 3. Invocation

Planning Board member Gibson gave the invocation.

ITEM 4. Approval of Minutes

March 23, 2006 – (Special Called)

March 28, 2006 – (Regular Meeting)

Chairman Sikes called for any changes or corrections to the March 23, 2006 and March 28, 2006 Minutes.

Planning Member Maness made a motion to approve the minutes as written, seconded by Planning member Ewings and approved unanimously by all Planning members present.

ITEM 5. Public Comments Section

None

Public Hearings

ITEM 6. Special Use Permit #SPU06-03 – Mid Atlantic Development Group

After Chairman Sikes opened this item Mr. Stumb was sworn in by the City Clerk to give his comments to Planning Members and members of the audience.

Mr. Stumb advised those present that the developer was requesting a Special Use Permit for development of Townhomes. This property is approximately 15 ½ acres off of Unity Street and is a portion of the Colonial Village Subdivision. The specific area of this request is zoned as the Trin-Thom Development Zoning District. This is a unique zoning district that will only be used in this area because this development crosses city boundaries and was instituted in an effort to have similar zoning districts in both

Trinity and Thomasville. The southern area surrounding this request is zoned R-40 as well as the area of the Country Club. Further down toward NC Highway 62 there is cluster of commercial zoning. This development also has 10 to 12 acres of commercially zoned property. Mr. Stumb discussed the Site Plan that illustrated approximately 42 town homes with majority being double units. The wet detention pond will be located on the southwest portion of this property and will be shared by this development, single family development, and part of the commercial development. There will be one (1) entrance and exit located on Unity Street to serve this property. The plan shows a turning lane that is a requirement from the Department of Transportation. The site is designed to standard for townhomes as stipulated in our Ordinance. The allowed density for Multi-Family for this area would be approximately 168 units. Since townhomes require a larger space there will be fewer units on this site. There are some landscaping requirements when a Multi-Family Residential property abuts single family residential a 20 foot buffer of vegetation is required. The traffic from this entire development will utilize the turn lane required by NCDOT. Our Ordinance calls for a dumpster area, however this is designed more for apartments where independent garbage pickup is not necessary. The developer will either contract as a whole for the entire development with one garbage provider or it will be contracted independently per unit. There are no additional street lighting requirements for this development. The site plan illustrates the common area between the buildings as well as behind the buildings. The retention pond will be maintained by the Homeowners Association.

Mr. Stumb reviewed the 4 standards that needed to be met by the applicant and that were shown on the site plan in order to consider this request.

There was discussion between Mr. Stumb and Member Gantt concerning the 20 foot buffer and what the beginning point was for this buffer. Mr. Stumb advised members that the buffer would be 20 feet from the existing property line. This is the standard buffer for our Ordinance and for most other Zoning Ordinances.

At this time Chairman Sikes opened the Public Hearing and asked that anyone wishing to speak be sworn in by the Clerk.

Speaking in Favor of the Request:

Jim Lanik, Robinson Hayworth and Reece; Attorney representing Mid Atlantic; Mr. Lanik discussed the proposed development of the 42 Unit Twin Home Development. The construction will be brick and stone and starting price is anticipated to be \$225,000.00 and go upward. Mid Atlantic currently has this same product in developments in Greensboro, Jamestown, and Asheboro.

There was discussion between Planning members, Mr. Lanik, Mr. Swartz, and Mr. Millis concerning the size of the retention pond and if the pond would be fenced. Mr. Millis advised members that the pond would be approximately 1 acre in size. There was further discussion concerning fencing around the retention pond. Mr. Stumb advised members that the Ordinance did not require at this time that the retention ponds be fenced. Mr. Lanik advised members the ultimate responsibility of the maintenance pond will be the Homeowners Association. Also discussed was the time table for installation of the required turning lane. Mr. Swartz advised members there was a turning lane and a deceleration lane that would be installed as part of the construction process of the project.

Mark Swartz, Mr. Swartz discussed similar developments that had been done in Asheboro, Jamestown, and Greensboro and advised members that each development sold out before the roads were finished. These developments have been well received by all Communities where it has been done. We offer a maintenance free life style. The Homeowners Association takes care of all exterior maintenance in these developments. Mr. Swartz and members also discussed the type of lighting that would be used in this proposed development and who would be responsible. Mr. Swartz advised members that the lamp post lighting would be used and that the Homeowners Association would be responsible for this as well.

Bill Millis: Mr. Millis advised members he was one of the developers of the entire Colonial Village of which this property is a part of. Mr. Millis shared with members conversation between him and Bonnie Renfro, Randolph County Economic Development, concerning the development done by Mid Atlantic in the City of Asheboro. She spoke very highly of this group as well as their development in Asheboro. Mr. Millis discussed a prior request from another developer for apartments. When we were approached by this

group we were excited because of the opposition from the prior request for apartments and renters. Mr. Millis advised members that his group MPS Partners as developers are widening the entire stretch of Unity from the southern most part all the way up to New York Avenue and beyond. This will be 3 lanes and we will begin this very shortly since we have everything approved by NCDOT. The individual owners of the tracts of this Multi-Family site and the tract just north of this will be responsible for putting in their turning lanes. We are increasing the size of the water main located on Unity from 6 inches to 8 inches and will begin work on this within one (1) month and continue throughout the development. We have set up an Association and this group will have to set up their own Property Owners Association for the maintenance of the 15 ½ acres. We have already set up and incorporated a Property Owners Association which includes the 5 commercial sites in Trinity that adjoin this property as well as an 8.7 acre site in Thomasville across east Sunrise all of which in addition to the Multi-Family site flow into this retention pond. This entire group will pay for the maintenance and upkeep of the pond. The Homeowners Association for the Multi-Family site will actually be the responsible party. They will actually assess the commercial sites. We have begun and almost completed the construction of the pond.

Speaking Against the Request:

None

Chairman Sikes closed the Public Hearing for this item and turned this item over to the board for comments or action.

Board Discussion and or Action

Planning/Zoning Member Ewings made a motion to recommend approval of Special Use Permit based upon the finding of the 4 facts as stated below, seconded by member Gibson and approved unanimously by all Planning/Zoning members present.

- a) that the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;*
- b) that the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;*
- c) that the use or development is located, designed, and proposed to be operated so as not to substantially injure the value adjoining or abutting property, or that the use or development is a public necessity; and*
- d) that the use or development will be in harmony with the area in which it is to be located and conforms with the general plans for the land use and development of City of Trinity and its environs.*

a. Special Intensity Allocation

Chairman Sikes opened this item and turned discussion over to Mr. Stumb.

Mr. Stumb advised members that any development that exceeds the 24% built upon area allowed by the city must apply for a Special Intensity Allocation. This amount requested by the developer is 38%. They will use approximately 32% to 33%.

Staff Recommendation: Approval of the request.

Board Discussion and or Action

Planning Member Norman made a motion to approve the Special Intensity Allocation, seconded by Member Maness and approved unanimously by Planning Members present.

ITEM 7. Rezoning Request #Z06-04

Chairman Sikes opened this item and turned discussion over to Mr. Stumb.

Mr. Stumb advised members this request was for property located along Finch Farm and Welborn Road and was owned by Archie Honbarrier. This request is to rezone from RA to Highway Commercial. There is approximately 75 acres of property at this corner. The parcel at the corner was split by I-85. The northern section was rezoned to Highway Commercial. The southern portion is part of the request as well as a parcel of land heading east. Current zoning for this area specifically this corner is zoned RA. Further south and east properties are zoned R-40 with some established neighborhoods. To the north of this property the majority of the property at Finch Farm and 62 is zoned Highway Commercial. Mr. Stumb reviewed the permitted uses allowed in the Highway Commercial Districts as well as Special Uses allowed in this zoning that would require another public hearing where the developer must meet specific requirements and submit a site plan prior to approval.

Speaking For:

Max H. Towery 5750 Joan Drive- Mr. Towery advised members that he was employed by Mr. Honbarrier and assisted him with his properties at times. At the present time we feel like this property along I-85 should be zoned Highway Commercial. We have no plans or offers for this property at this time. We would like to have this rezoned in case we do get an opportunity to develop. It was Mr. Towery's opinion that it would be beneficial to the City and us to have this property rezoned and that it would provide the opportunity for additional income for the city.

Speaking Against:

Donald Finch 6965 Welborn Road
Max and Sandra Logan 4337 Forest Lane
Ernest King- 7019 Welborn Road-
Marcia Freed- Sherwood Forest Drive
Sandra Nealy-7411 Welborn Road
Mike Mullins 4253 Forest Lane
Art Gilbert, 4010 Sherwood Forest Lane

The following points of concerns were voiced by the above persons speaking against the request.

The effect on the lifestyles and quiet settings of the community, traffic problems that exist from the 2 new schools located in this area as well as the 2 new fire stations being built in this area, excessive speed limit on this road, the need to be more specific concerning the rezoning of this property due to the uses allowed in the Highway Commercial Zoning Districts in an effort to protect existing surroundings, noise, and pollution that would be generated from a Highway Commercial property, the probability of development in a 200 foot section that abutted property owners or directly fronted property owners, drainage problems that may be created by Commercial development.

There was discussion between Manager Bailie, Planning Members, and members of the audience about the concerns of the current speed limit in this area and the possibility of a speed limit reduction. Manager Bailie advised members of the audience that she had been in contact with the Department of Transportation concerning traffic markings on Finch Farm and that she would make contact with them in an effort to address the speed limit concerns addressed by members of the audience.

With no others speaking, Chairman Sikes closed the Public Hearing.

Board Discussion and or Action:

Board members discussed the smaller area of the property and the amount of distance between this property and current development as well as the amount needed for development. Members discussed traffic issues and how they related to growth in the city.

After discussion, Member Gibson made a motion that this request be approved.

The motion was seconded by member Sikes. The vote was as follows:

Approval AYE
Member Sikes
Member Gibson
Member Norman

Deny Nay
Member Maness
Member Gantt
Member Ewings
Member Albertson

*****The motion to approve failed with a 3 to 4 vote.*****

Chairman Sikes called for a motion to deny the request.

Member Gantt made a motion to deny the request, seconded by member Maness with the following vote:

<u>Voting to Deny</u>	<u>Voting not to Deny</u>
Member Maness	Member Sikes
Member Gantt	Member Gibson
Member Ewings	Member Norman
Member Albertson	

The motion to deny was approved by a 4 to 3 vote as shown above.

New Business

ITEM 8. Text Amendments

a. Agricultural Uses

Chairman Sikes opened this item for discussion and or action.

There was extensive discussion between Planning Members, Manager Bailie, Mr. Stumb, and Mayor Andrews concerning this item in regards to the prior recommendation of this board as well as options that may be used or that were used in other municipalities and how they might be adapted for use in Trinity.

After extensive discussion it was the consensus of the Planning Board to keep the Original Recommendation given to Council and that the recommendation if approved be made retroactive to the original date of the first recommendation.

Member Norman made a motion to keep the original recommendation as listed below with the following additions (e & f) if said recommendation is approved by Council.

Original Recommendation:

- (a) Livestock is allowed only in the RA Zoning District***
- (b) Minimum lot size for RA will be 5 acres***

Addition to original recommendation:

- (c)) If it is legal, the Text Amendments be made retroactive to the date of the original recommendation of the Planning Board or January 1, or to whatever might make sense..***
- (d) Any residence located in the RA Zoning District that did not meet the 5 acre requirement would be rezoned to R-40 or another appropriate zoning district and those residents that owned animals and did not meet said requirements must conform or would be considered in violation of the Ordinance and move their animals.***

The motion was seconded by Member Ewings and approved unanimously by all members present.

b. Lots of Record

After Chairman Sikes opened this item, Mr. Stumb discussed with members the following 2 items and the way they were currently addressed in the Ordinance.

- (1) A lot of record may be used if the property owner obtains a variance from the Board of Adjustments.
- (2) A lot of record may be used if the proposed development meets the setback and buffering requirements of the Ordinance.

Staff Recommendation:

To make changes on Lots of Record in the Ordinance in conjunction with Option # 2 that a Lot of Record may be used if the proposed development meets the setback and buffering requirements of the Ordinance.

After discussion, *Member Ewings made a motion to adopt staff recommendation and make changes to conform to option #2; A lot of record may be used if the proposed development meets the setback and buffering requirements of the Ordinance, seconded by member Norman and approved unanimously by all members present.*

ITEM 9. Comments from the Board

None

ITEM 10. Comments from Staff

Manager Bailie briefed board members on the decision of Council in regards to their recommendations at their prior meeting.

ITEM 11. Adjourn

With no other business to discuss, *Member Maness made a motion to adjourn the April 25, 2006 Planning/Zoning Regular Meeting, seconded by Member Ewings and approved unanimously by all Planning Members present.*

These minutes were approved as written by the City of Trinity Planning/Zoning Board at their Regular Meeting held on May 23, 2006 upon motion by Planning Member Ewings, seconded by Planning member Albertson, and approved unanimously by all Planning Members present.